

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Civil No. 18-1776 (JRT/JFD)

This Document Relates to:

ALL CONSUMER INDIRECT
PURCHASER ACTIONS

**DECLARATION OF CARL V.
MALMSTROM IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES
AND LITIGATION EXPENSES
SUBMITTED ON BEHALF OF
WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

I, Carl V. Malmstrom, hereby declare and state as follows:

1. I am Of Counsel to Wolf Haldenstein Adler Freeman & Herz LLP. I submit this declaration in support of Plaintiffs' Motion for an award of attorneys' fees and expenses in connection with the services rendered, and costs and expenses incurred, in the above-captioned action (the "Action"). I make this declaration based on my personal knowledge and if called as a witness, I could and would competently testify to the matters stated herein.

2. My firm and I serve as Counsel in this matter for Plaintiffs.

3. Attached hereto as **Exhibit 1** is my firm's total hours and lodestar, computed at current rates, for the periods: (1) from the inception of the case through December 31, 2022, and (2) from July 1, 2021 through December 31, 2022. The total number of hours spent by my firm from the inception of the case through December 31,

2022 was 63.9 with a corresponding current lodestar of \$ 38,169.¹ . The total number of hours spent by my firm from July 1, 2021 through and including December 31, 2022 was 40.3 with a corresponding current lodestar of \$23,079.² This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by the firm. The lodestar amount reflected in **Exhibit 1** is for work assigned by Plaintiffs' Co-Lead Counsel and was performed by professional staff at my law firm for the benefit of the Class/Plaintiffs during the aforementioned time periods. In preparing this time, I followed Co-Lead Counsel's protocol for time keeping and assignments and have audited my time to comply with that protocol. In connection with representing Plaintiffs in the Action, from July 1, 2021 through December 31, 2022 my firm did the following: represented, prepared for and defended four class representative Plaintiff depositions, as well as assisting with plaintiffs' discovery issues for those same Plaintiffs. The hourly rates for the attorneys and professional staff in my firm reflected in **Exhibit 1** are the usual and customary hourly rates charged by my firm in similar complex litigation matters.

4. From July 1, 2021 through December 31, 2022, my firm has expended a total of \$7.11 in unreimbursed costs and expenses in connection with the prosecution of the Action. These costs and expenses are set forth in the chart attached as **Exhibit 2** and reflected on the books and records of my firm. The costs and expenses from July 1, 2021 through and including December 31, 2022 were incurred on behalf of Plaintiffs by my firm and have not been reimbursed.

¹ Such time does not include any time expended in completing this declaration.

² Such time does not include any time expended in completing this declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 18, 2023 in Skokie, Illinois.

s/ Carl V. Malmstrom
Carl V. Malmstrom

EXHIBIT 1

WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLC

Reported Hours and Lodestar for the Entire Case Period

Inception of the case through December 31, 2022

Timekeeper	Professional Status	Hours	Current Rate	Total Lodestar
Fred T. Isquith, Sr.	P	9.3	\$945	\$8,788.50
Thomas H. Burt	P	.6	\$750	\$450.00
Rachele R. Byrd	P	.1	\$670	\$67.00
Carl V. Malmstrom	OC	39.7	\$570	\$22,629.00
Carl V. Malmstrom	OC	7.9	\$530	\$4,187.00
James Cirigliano	PL	6.3	\$325	2,047.50
Grand Total		63.9		\$38,169.00

Reported Hours and Lodestar Following the JBS Settlement

July 1, 2021 through December 31, 2022

Timekeeper	Professional Status	Hours	Current Rate	Total Lodestar
Thomas H. Burt	P	.6	\$750	\$450.00
Carl V. Malmstrom	OC	39.7	\$570	\$22,629.00
Grand Total		40.3		\$23,079.00

Role Legend

P Partner/Shareholder
OC Of Counsel
A Associate
LC Law Clerk
PL Paralegal
I Investigator
SA Staff Attorney
CA Contract Attorney

Exhibit 2

WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLC

Expenses Incurred between July 1, 2021 through December 31, 2022

Expense Category	Amount Incurred
Electronic Research (Lexis/Westlaw/PACER)	
Court Costs – Filing Fees	
Litigation Fund Contribution	
Express Delivery/Messengers	
Photocopies – In House	
Photocopies - Outside	
Postage	
Service of Process Fees	
Telephone / Fax	\$7.11
Transportation / Meals / Lodging	
Experts/Consultant Fees	
Court Reporter Service/Hearing Transcript Fees	
TOTAL EXPENSES	\$7.11